

### **REMARKS**

Claims 1-9, 11-19 and 21-30 are pending in the present application. Claims 10 is cancelled hereby. Claims 3, 6 and 22-28 are withdrawn from consideration. No new matter has been entered.

#### **Claim Objection**

**Claim 10 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.**

Claim 10 has been cancelled. Thus, the objection has been overcome.

#### **Rejections under 35 USC §103(a)**

**Claims 1, 2, 4, 5, 7-19, 29 and 30 were rejected under 35 U.S.C. 103(a) as being obvious over Domae (US 2002/0005584 A1) in view of Vigna et al. (U.S. Patent No. 6,605,873 B1) and Applicant's Prior Art Figures 1-4 (APAF)**

The Examiner maintained that Figures 1-4 are "Applicant's Prior Art Figures."

It is submitted, however, that the Related Art of Figures 1-4, particularly the part related to the Young modulus (Figures 2 and 3), which is cited by the Examiner in combination with Domae and Viguna, relates to the stress calculation made by the present inventor in the investigation constituting the foundation of the present invention and thus the subject matter constitutes a part of the present invention. Reference should be made to page 9, lines 19-28 or page 10, lines 2-3 of the present specification.

Thus, none of 35 USC 102(a), (b) and (e) is applicable for the description of Young modulus in the present specification, and the Examiner's rejection relying upon alleged APAF is inappropriate.

Domae and Viguna do not remedy the deficiencies of alleged APAF.

For at least these reasons, claim 1 patentably distinguishes over the prior art. Claims 2, 4, 5, 7-19, 29 and 30 depending from claim 1 patentably distinguish over the prior art.

In support of the fact that the related art is not the prior art, Applicants are now preparing to submit a Declaration under 37 CFR 1.132 attached hereto. The declaration is not yet signed because the inventor to sign the declaration has left the company and his contact address has not been found despite Applicants' best effort. The declaration will be submitted as soon as the inventor's contact address is found and the declaration is signed.

**Claim 21 was rejected under 35 U.S.C. 103(a) as being obvious over Domae (US 2002/0005584 A1) in view of Vigna et al. (U.S. Patent No. 6,605,873 B1) as applied to claim 1 above and further in view of Sugiyama et al. (US 2002/0040986).**

Claim 21 depend from claim 1. Sugiyama et al. does not remedy the deficiencies of alleged APAF discussed above.

For at least these reasons, claim 21 patentably distinguishes over the prior art.

Application No.: 10/780,701  
Art Unit: 2815

Amendment under 37 CFR §1.111  
Attorney Docket No.: 042113

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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Enclosure: Declaration under 37 CFR §1.132